FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1721 OF 2007
IN
FIRST APPEAL NO. 1957 OF 2010
WITH
CIVIL APPLICATION NO. 1597 OF 2007
IN
FIRST APPEAL NO. 1964 OF 2010
WITH
CIVIL APPLICATION NO. 1726 OF 2007
IN
FIRST APPEAL NO. 1965 OF 2010

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's Orders

Mr. A.B.Gatne, Advocate for the appellant.
Mr. Prashant Deshmukh, Advocate for Resp. No. 1 to 4.

.....

CORAM : S.V. GANGAPURWALA, J.

DATE : 04/02/2011

PER COURT :

1. These are the applications seeking stay to the impugned Award passed by the Motor Accident Claims Tribunal. Mr. Gatne, learned counsel for the applicants states that the applicants, in fact, are not at all liable to pay any amount in view of the fact that the driver of the vehicle was holding the non transport licence and the vehicle was the transport

vehicle. The sitting capacity was six (6) and the passengers which were carried were about twelve (12). The learned counsel further contends that even the Tribunal has come to the conclusion that the driver of the other vehicle was also negligent. As such, even otherwise the present applicants would not be liable for the whole amount, but the Tribunal has not considered this aspect while passing the operative part of the order.

2. Be that as it may. The Award passed by the Tribunal amounts to money decree. The interest of the applicants can be safe-guarded at the time of passing orders on an application for withdrawal, if it is filed by the claimants.

3. In that light of the matter, the applications for stay are allowed on condition that the applicants deposit the total amount under the Award within the period of ten (10) weeks from today. The amount already deposited shall be adjusted. The Civil Applications are accordingly disposed off.

[S.V. GANGAPURWALA, J.]

knp/CA 1721.....2007 in FA 1957.2010